

IN THE CLAIMS:

Please amend Claim 5 to read as follows:

Claims 1 to 4 (Cancelled).

5. (Currently Amended) An information recording and/or reading apparatus comprising:

a base plate having a notch therein;

a support plate;

a spindle motor having for rotating a disk by an output shaft perpendicular to said base plate, said output shaft rotatably driving a disk;

a head unit, rotary alignment control device supported on said support plate, and for determining a rotation position of a recording/reading head of the ~~of~~ a head unit about a rotary alignment axis parallel to the output shaft of said spindle motor;

a vertical pivot shaft extending parallel to the rotary alignment axis; and

a pivotal mechanism for pivoting said support plate, on which said head unit, rotary alignment control device is supported, about said vertical shaft relative to said base plate, wherein at least a portion of said head unit, or a support portion of said head unit supported on said support plate, passes through the notch of said base plate.

6. (Original) An apparatus according to claim 5, further comprising:  
a moving stage which mounts said spindle motor; and  
a stage driving mechanism for driving said moving stage toward or away from  
the rotary alignment axis.

Claim 7 (Cancelled).

REMARKS

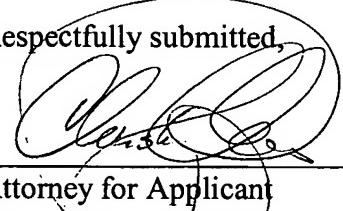
The claims now pending in the present application are Claims 5 and 6. Claim 5 is the only independent claim. Claims 1 to 4 and 7 previously were cancelled. Claim 5 has been amended herein.

On August 28, 2003, Applicant filed a Continuation Application Under 37 CFR § 1.53(b) together with a Preliminary Amendment.

Independent Claim 5 has been amended herein to recite more clearly various novel features of the present invention, and to provide Applicant with an additional scope of protection commensurate with the disclosure. No new matter has been added.

Favorable consideration and early passage to issue of the above-identified application respectfully are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,  
  
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Attorney for Applicant  
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Registration No. 32,078

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
CPW\gmc

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